

PATENT

Attorney Docket: P04091US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LINK, et al. ART UNIT: 1632
SERIAL NO: 09/589,255 EXAMINER: Beckerleg, A.
FILED: June 7, 2000
TITLE: METHOD FOR TUMOR TREATMENT USING INFUSION OF
XENOGENIC CELLS TO INDUCE HYPERACUTE REJECTION
AND INNOCENT BYSTANDER EFFECT

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Madam:

HUMAN GENE THERAPY RESEARCH INSTITUTE, with an address of 1415 Woodland Street, Iowa Methodist Medical Center, Des Moines, Iowa 50309, represents that by assignment recorded September 12, 2000 at Reel 011091, Frame 0744, it is the sole owner of all right, title and interest in United States patent application Serial No. 09/589,255, filed June 7, 2000, entitled METHOD FOR TUMOR TREATMENT USING INFUSION OF XENOGENIC CELLS TO INDUCE HYPERACUTE REJECTION AND INNOCENT BYSTANDER EFFECT; that by assignment recorded September 29, 1998, Reel 9480, Frame 0642 it is the owner of all right, title and interest in United States Patent No. 5,869,035, filed November 13, 1996, entitled METHOD AND COMPOSITIONS FOR INDUCING COMPLEMENT DESTRUCTION OF TISSUE that the evidentiary documents have been reviewed and to the

CERTIFICATE OF MAILING

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: United States Patent and Trademark Office, Box Sequences, P.O. Box 2327, Arlington, VA 22202, on this 3 day of April, 2002.

best of the Assignee's knowledge and belief, title to the applications are in the Human Gene Therapy Research Institute's seeking to take this action.

HUMAN GENE THERAPY RESEARCH INSTITUTE hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of United States Patent No. 5,869,035, filed November 13, 1996, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be in the same entity as the legal title to Serial No. 09/589,255 this agreement to run with any patent granted on the above-identified application, and to be binding upon the grantee, its successors, or assigns.

I, Heidi S. Nebel, represent that I am the attorney of record authorized to sign on behalf of the owner identified above owning all of the interest in the above application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

A check in the amount of \$55.00 to cover the fee for a terminal disclaimer under 37 CFR 1.20(d) is included. Please

charge any deficiencies or credit any overpayment to Deposit
Account No. 26-0084.

Respectfully submitted,



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